

REMARKS

In the Office Action dated May 3, 2005, claims 1-25 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,471,522 (Sells) in view of U.S. Patent No. 5,313,653 (Sasuta).

As conceded by the Office Action, Sells does not disclose the tasks of storing permission data relating to security for a system, and determining, based on the permission data relating to security for the system, whether a type of telephony call is permitted, as recited in claim 1. 5/3/2005 Office Action at 3. However, the Office Action relied upon Sasuta as disclosing the elements of the claims that are missing from Sells.

It is respectfully submitted that a *prima facie* case of obviousness of claim 1 has not been established over the asserted combination of Sells and Sasuta for at least the reason that the hypothetical combination of Sells and Sasuta does not teach or suggest all elements of claim 1. See M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129.

Specifically, like Sells, Sasuta also does not disclose storing permission data *relating to security* for the system, or determining, based on the permission data relating to *security for the system* whether the type of the telephony call is permitted. Sasuta is concerned about reducing control channel traffic of a communication unit. Sasuta proposes a scheme of reducing control channel traffic by storing a database that indicates system services available to the communication unit. Sasuta, 2:58-63. The database identifies system services to which the communication unit has subscribed. Sasuta, 1:37-39. There is absolutely no indication or suggestion in Sasuta that the database contains information that relates to security for a system, nor is there any indication or suggestion that determining whether a type of telephony call is permitted is based on permission data relating to security for the system.

Since neither Sells nor Sasuta teaches or suggests the subject matter of claim 1, the hypothetical combination of Sells and Sasuta does not teach or suggest *all* elements of the claimed invention. A *prima facie* case of obviousness has therefore not been established.

Similarly, with respect to independent claim 13, the hypothetical combination of Sells and Sasuta does not teach or suggest a control element to determine, based on an indication of a type of the telephony call and *permission data relating to security* for the system, whether the type of the telephony call is permitted. With respect to independent claim 21, the hypothetical combination of Sells and Sasuta does not teach or suggest a microcontroller to determine, based

on an indication of a type of telephony call and *permission data relating to a target security level*, whether the type of telephony call is permitted.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. Moreover, with respect to claim 5 (which depends from claim 1), contrary to the assertion made in the Office Action, the database of Sasuta clearly does not constitute permission data indicating types of telephony calls that are permitted and not permitted *based on security requirements* of the system. Dependent claims 24 and 25, which depend from independent claims 13 and 21, respectively, are similarly distinguishable over the asserted combination of Sells and Sasuta.

With respect to claim 11, which depends indirectly from claim 1, the Office Action stated that because Sasuta teaches updating of service elements related to a communication application, “that one skill [sic] in the art would recognize to update the permission data through a telephony application programming interface.” 5/3/2005 Office Action at 4. There is absolutely no indication or suggestion that the database of Sasuta is set through a telephony application programming interface, as recited in claim 11. The Office Action has provided a conclusory statement of obviousness that is not supported by any objective evidence. Absent a reference that suggests a modification of Sells and Sasuta to achieve the subject matter of claim 11, the *prima facie* obviousness rejection of claim 11 is defective.

Dependent claim 12 (which depends from claim 1) recites that the storing, receiving, establishing, detecting, and determining acts are part of a firewall feature. The Office Action stated that “Sasuta teaches the resource allocator capable of grant or deny ... so that one skill [sic] in the art would recognize the storing, receiving, establishing, detecting and determining acting as part of a firewall feature.” 5/3/2005 Office Action at 4. The presence of the resource allocator of Sasuta *does not* indicate or even remotely suggest a firewall feature. An ordinary meaning of the term “firewall” is “a system designed to prevent unauthorized access to or from a private network.” See Webopedia definition of “firewall” (attached to Reply to previous Office Action). This definition is consistent with the discussion of “firewall” in the specification. See Specification, paragraph [005].


There is no suggestion anywhere in Sasuta of such a firewall feature. Therefore, claim 12 is allowable for at least this additional reason. Dependent claims 20 and 23, which depend from independent claims 13 and 21, respectively, are further allowable for similar reasons.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304161-2).

Respectfully submitted,

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